

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on March 26, 2015 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Scott Sales, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Cliff Larsen (D)
Sen. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Kris Hansen (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 477, 3/20/2015; SB 417, 3/25/15

Executive Action: SB 417-Do Pass (bill not reported out of committee pending fiscal note. It was later re-referred to Finance and Claims; SB 406-Tabled

HEARING ON HB 477

Opening Statement by Sponsor:

00:00:43 Rep. Gerald (Jerry) Bennett (R), HD 1, opened the hearing on HB 477, Clarify offense of aiding or soliciting suicide.

Proponents' Testimony:

00:02:21 Bradley Williams, Montanans Against Assisted Suicide (MAAS); also for Cort Freeman; Marsha Katz, Missoula; Amy Robertson

[EXHIBIT\(jus63a01\)](#)

[EXHIBIT\(jus63a02\)](#)

00:06:30 Tom Warr, physician, Great Falls

[EXHIBIT\(jus63a03\)](#)

00:11:10 Craig Treptow, physician, Great Falls

00:13:52 Bobbie Hafer, director, Montana Chapter, American Academy of Medical Ethics (AAME)

[EXHIBIT\(jus63a04\)](#)

00:19:26 Jim Shockley, attorney, Victor

00:24:34 Annie Bukacek, physician, Kalispell

[EXHIBIT\(jus63a05\)](#)

00:27:21 Nancy Pence, self, Billings

[EXHIBIT\(jus63a06\)](#)

00:28:28 Dick Pence, self, Billings

00:30:50 Stacy Young, self, Polson

[EXHIBIT\(jus63a07\)](#)

00:34:44 Ed Halland, self, Bridger

[EXHIBIT\(jus63a08\)](#)

00:37:38 Robert Wetzel, Lieutenant Colonel U.S. Marines, retired, Kalispell

00:41:54 R.C. Lane, Kalispell

00:42:12 Berniece Stulc, self, Belgrade; also for Gail Bell, Bozeman

[EXHIBIT\(jus63a09\)](#)

[EXHIBIT\(jus63a10\)](#)

00:42:56 John Meyer, self, Belgrade

[EXHIBIT\(jus63a11\)](#)

00:43:20 David Hafer, self, Dayton

[EXHIBIT\(jus63a12\)](#)

00:44:05 Jeff Laszloffy, Montana Family Foundation (MFF)

00:44:14 Matt Brower, executive director, Montana Catholic Conference (MCC)
[EXHIBIT\(jus63a13\)](#)

Opponents' Testimony:

00:44:56 Roberta King, self, Missoula
[EXHIBIT\(jus63a14\)](#)

00:46:21 Ethel Byrnes, self
[EXHIBIT\(jus63a15\)](#)

00:49:25 James Nelson, retired justice, Montana Supreme Court (MSC)
[EXHIBIT\(jus63a16\)](#)

00:54:33 Colette Kirchhoff, physician; associate medical director, hospice services,
Bozeman
[EXHIBIT\(jus63a17\)](#)

01:01:09 Bonnie Kelley, self, Frenchtown
[EXHIBIT\(jus63a18\)](#)
[EXHIBIT\(jus63a19\)](#)

01:04:40 Dan Lourie, self, Bozeman
[EXHIBIT\(jus63a20\)](#)

01:07:36 Barbara Holter Kirkland, self, Helena
01:10:52 Barbara Woodbury, self, Livingston
[EXHIBIT\(jus63a21\)](#)

01:13:44 Sen. Dick Barrett, SD 45, Missoula
01:15:44 David King, physician; also former director, Rocky Mountain Hospice, Belgrade
01:19:52 Kristen Wood, self, Missoula
[EXHIBIT\(jus63a22\)](#)
[EXHIBIT\(jus63a23\)](#)

01:20:58 Steve Kirchhoff, self, Bozeman
01:22:26 Jane Muller, self, Townsend; also for Erin Garlinghouse, Butte
[EXHIBIT\(jus63a24\)](#)
[EXHIBIT\(jus63a25\)](#)

01:24:56 David Cooper, self, Jefferson City; also for Bob Zimorino, Missoula
[EXHIBIT\(jus63a26\)](#)
[EXHIBIT\(jus63a27\)](#)

01:25:22 Janet Hess-Herbert, self; also for Doris Fischer, Sheridan
[EXHIBIT\(jus63a28\)](#)

01:26:17 Jane Hamman, self
01:26:27 Marien Kieener, self

01:26:45 Robert Errichello, self, Townsend; also Sheila Callahan, Missoula

[EXHIBIT\(jus63a29\)](#)

[EXHIBIT\(jus63a30\)](#)

01:27:16 Harry Israel, self; also for Mary Douglass, RN, Helena; Nancy Byington, RN

[EXHIBIT\(jus63a31\)](#)

[EXHIBIT\(jus63a32\)](#)

[EXHIBIT\(jus63a33\)](#)

01:27:32 Niki Zupanic, public policy director, American Civil Liberties Union (ACLU)

[EXHIBIT\(jus63a34\)](#)

01:27:45 Eric Kress, physician

[EXHIBIT\(jus63a35\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:28:20 Sen. Larsen

01:29:01 Mr. Kress, physician

01:31:24 Sen. Kary

01:32:08 Mr. Laurie, self

01:33:54 Sen. Hinkle

01:34:28 Mr. Kress

01:41:21 Sen. Hinkle

01:42:14 Ms. Bukacek, physician

01:43:15 Sen. McNally

01:44:12 Ms. Kirchoff, physician

01:46:26 Sen. Moe

01:46:44 Sen. Fielder

01:47:14 Ms. Pence, self

01:49:03 Sen. Fielder

01:49:28 Mr. Wetzel, self

01:51:49 Sen. Fielder

01:52:18 Mr. Lane, self

01:53:10 Sen. McNally

01:53:48 Mr. Wetzel

[EXHIBIT\(jus63a36\)](#)

01:54:24 Sen. McNally

01:54:48 Mr. Nelson, retired (MSC)

Closing by Sponsor:

01:55:50 Rep. Bennett

HEARING ON SB 417

Opening Statement by Sponsor:

02:00:56 Sen. Diane Sands (D), SD 49, opened the hearing on SB 417, Generally revise laws on medical marijuana.

Proponents' Testimony:

02:05:36 Rep. Jeff Essmann, HD 54, Billings

Opponents' Testimony:

None

Informational Testimony:

02:07:45 Shauna Helfert, administrator, Liquor Control Division, Department of Revenue (DOR)

Questions from Committee Members and Responses:

02:08:07 Sen. Moe
02:08:29 Sen. Sands
02:08:37 Julianne Burkhardt, Legislative Services Division (LSD)
02:08:56 Sen. Moe
02:09:10 Sen. Sands
02:11:10 Sen. Fielder
02:11:47 Rep. Essmann
02:14:34 Sen. Vincent
02:14:59 Rep. Essmann
02:15:18 Sen. Vincent
02:15:52 Ms. Helfert, DOR

Closing by Sponsor:

02:16:07 Sen. Sands

EXECUTIVE ACTION ON SB 417

02:18:43 **Motion:** Sen. Larsen moved that **SB 417 DO PASS.**

Discussion:

02:18:53 Sen. Vincent
02:19:43 Sen. Larsen
02:20:27 Chairman Sales

02:20:43 **Vote:** Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary and Sen. Sales voting no. Sen. Hansen voted by proxy. (bill was not reported out of committee pending Fiscal Note. SB 417 eventually was re-referred to Senate Finance and Claims Committee)

EXECUTIVE ACTION ON SB 406

02:21:24 **Motion:** Sen. Driscoll moved that **SB 406 DO PASS.**

Discussion:

02:23:05 Sen. Swandal

02:24:09 **Vote:** Motion failed 5-7 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe and Sen. Sands voting aye. Sen. Hansen voted by proxy. Without objection, Chairman Sales reversed the vote and tabled the bill.

ADJOURNMENT

Adjournment: 11:25 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus63aad.pdf](#))